IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 21585 of 2004

Between:

K.L. Dandayudhapani, S/o. K.S. Lakshmanan,
R/o. K.V.P.R. Pet Village, Nagari Mandal, Chittoor District.

..... PETITIONER

AND

1. The Commissioner & Director of School Education,

Andhra Pradesh, Hyderabad.
2. The State Convener DIET CET-2004-cum- Regional Joint Director of

School Education, Guntur.
3 The Principal, District Institute of Education & Training,
Karvetinagar - 517 582. Chittoor District.
4 Ms. T.P. Nalini, D/o. T.M. Palani,
R/o. S.V. Koil Street, K.V.P.R. Pet Village,

Ekambarakuppam Post, Nagari Mandal,
Chittoor District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of *Writ of Mandamus*, declaring, the action of the 2nd Respondent in admitting the 4th Respondent (merit rank 45) into the two year D.Ed Course (Tamil Medium) for the years 2004-2006 in the 3rd Respondent College ignoring the claim of the Petitioner (merit rank 35) in the DIET CET 2004 (Tamil Medium) as arbitrary, discriminatory and illegal and consequently set aside the admission of the 4th Respondent into the said course and direct the Respondents 2 & 3 to admit the petitioner forthwith into

the two year D.Ed. Course (Tamil Medium) 2004-2006 in the 3rd Respondent College in accordance with his state merit rank in DIET CET 2004 (Tamil Medium) and with all other consequential benefits.

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondent Nos.1 to 3: GP FOR SCHOOL EDUCATION

Counsel for the Respondent Nos.3 and 4 : None appeared

The Court made the following:

ORDER:

This writ petition is filed by K.L. Dandayudhapani with a prayer to issue a writ, order or direction, more particularly one in the nature of the *Writ of Mandamus*, declaring the action of the 2nd respondent in admitting the 4th respondent (merit rank 45) into the 2 year Diploma in Education (D.Ed) Course 2004-2006 (Tamil medium) in the 3rd respondent college ignoring the claim of the petitioner (merit rank 35) in the DIET CET 2004 (Tamil Medium) as arbitrary and illegal.

It is the case of the petitioner that he secured 35th rank in the entrance examination and whereas the 4th respondent has secured 45th rank, and therefore, 2nd respondent should not have accommodated the 4th respondent in its institute. He further contends that there are already 8 woman candidates in the general category and therefore, accommodating the 4th respondent as woman candidate amounts to violation of admission rules.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

The respondent No.2 filed a detailed counter affidavit contending that he followed the Government orders in admitting the candidates based on the merit list.

The learned counsel for the petitioner submits that only 8 woman candidates have to be accommodated by following 33.33% reservation and whereas 9 woman candidates have been accommodated depriving the petitioner herein, and thus, the allotment of seat to the fourth respondent is liable to be cancelled and the same is to be allotted to the petitioner.

The merit list has been enclosed to the counter affidavit. As seen from the merit list, the woman candidates have been allotted as per the rank secured in the entrance examination. Para-6 (D) of the instructions to the candidates applicable for Common Entrance Test reads as follows:

> **"Reservations of seats for NCC/Scouts and Guides/Sports Candidates**: For NCC, Scouts/Guides and Sports reservation will be done as per Government rules. In case of absence of candidates under this quota, the seats shall be treated as unreserved.
>
> For selection under NCC reserved quota the following priorities shall be considered
>
> 1. NCC 'B' certificate holders who participated at international level for youth exchange programme.
> 2. NCC 'B' certificate holders who participated at national level.
> 3. NCC 'B' certificate holders who participated at state level
> 4. For the remaining seats if any, the Candidate shall be selected as per the following priorities.
>
> a) NCC-B certificate during intermediate etc; plus NCC-C certificate obtained subsequently.
>
> b) NCC-B certificate obtained during intermediate etc;
>
> NCC-B and C certificates obtained after the completion of qualifying examinations.
>
> c) NCC-B certificate obtained subsequent to qualifying examination.
>
> d) NCC-B certificate obtained subsequent to qualifying examination.
>
> **Note**: 33.33% of seats under all categories, that is OC, SC (A,B,C & D), ST, BC (A,B,C & D) and each of special categories are reserved for women."

It is explicit from the above referred paragraph that 33.33% seats under all categories are reserved for women. The woman candidates, except the fourth respondent, who have been admitted, secured high ranks than that of the petitioner in the entrance examination. So far as the fourth respondent is concerned, she comes under the woman reservation category. Therefore, the writ petitioner cannot compare himself with the 4th respondent since he does not belong to women reservation category and therefore, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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(B. SESHASAYANA REDDY, J)

Date: 19.07.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner & Director of School Education,

Andhra Pradesh, Hyderabad.
2. The State Convener DIET CET-2004-cum- Regional Joint Director of

School Education, Guntur.

3 The Principal, District Institute of Education & Training,
Karvetinagar - 517 582. Chittoor District.

4. 2 CCs to G.P. for School Education, High Court Buildings, Hyderabad

(OUT).

5. 2 CD copies

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